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W.P.No.7879 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7879 of 2022

- 1.APL Global School,
Registered as Company U/s 8 of Indian Companies Act
as a non profitable organization,
Rep. By its Director,
V.Jaggannathan,
Plot No.697/3, Anand Nagar Main Road,
Pallikkaranaï, Chennai 600 100
 - 2.M/s.Ramaniyam Real Estates (P) Ltd.,
Rep. By its Managing Director,
V.Jaggannathan,
17/35, 2nd Main Road,
Gandhi Road,
Gandhi Nagar, Adyar 600 020
- ... Petitioners

Vs.

- 1.The Secretary to Education,
School Education Department,
Fort St.George,
Chennai 600 009
- 2.Commissioner of School Education,
Department of School Education,
Fort St.George,
Chennai 600 009
- 3.Director of School Education,
College Road,
Chennai 600 006
- 4.District Chief Educational Officer,



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... Respondents

Chengalpattu
PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Declaration declaring the impugned G.O of the respondents department, vide their G.O. in GO.Ms.No.131 dated 10.08.2006 as ultravirus and unconstitutional beyond the legislative competence of the respondents.

For Petitioners : Mr.S.Sundaresan

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

This writ petition has been filed challenging the GO.Ms.No.131 School Education (B) Department dated 10.08.2006 insofar as number of floors are concerned.

2. While pending the writ petition, the second respondent filed counter and it revealed that as Tamilnadu Combined Development and Building Rules 2019 has been issued invoking the provisions containing in Tamilnadu Town and Country Planning Act, 1971, Tamilnadu District Municipalities Act, 1920 etc., has statutory backing, whereas



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GO.Ms.No.131 School Education Department dated 10.08.2006 have issued to accept the Commission's enquiry recommendation, which is merely recommendation in nature. When statutory rule allows the buildings of the education institutions to be constructed upto height 18.5 meters (roughly Ground +3), repugnancy between the recommendations of the Commission and said Building Rules arise.

3. Therefore, a proposal has been sent by the Commissioner of School Education vide letter dated 08.07.2022 seeking Government to issue clarificatory order by the Government in the same lines of the Tamilnadu Combined Development and Building Rules, 2019 so as to permit the educational institutions to be accommodated in the building building having height of maximum 18.5 meters in order to avoid the conflicting position between the Commission's recommendations and Tamilnadu Combined Development and Building Rules, 2019. Accordingly, by clarification letter dated 08.02.2024, it is clarified that number of floors given in the Tamilnadu Combined Development and Building Rules, 2019 for schools with floor area exceeding 300 sq.meter shall be as per the provisions of the National Building Code, 2016. The



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maximum height permitted in the Rules is 18.3 meters. National Building Code will be applicable as per Tamilnadu Combined Development and Building Rules. Accordingly, all schools shall adhere to the National Building Code and Tamilnadu Combined Development and Building Rules, 2019 with reference to construction of educational buildings that are mandatory as per Tamilnadu Private Schools (Regulation) Act, 2018 and Tamilnadu Private Schools (Regulations) Rules, 2023.

4. In view of the above clarification and according to the above clarification, this writ petition is disposed of. There shall be no order as to costs.

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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